



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

AUG -9 2013

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7005 3110 0000 5952 6224**

Mr. Harry C. Buffardi, Town Supervisor  
Town of Rotterdam  
1100 Sunrise Boulevard  
Rotterdam, New York 12306

Re: **Administrative Docket No. CWA-02-2013-3047**  
Town of Rotterdam MS4, SPDES Permit No. NYR20A354  
Clean Water Act Information Request and Administrative Compliance Order

Dear Supervisor Buffardi:


Please find enclosed a combined Information Request and Administrative Compliance Order (together, the "Order"), which the United States Environmental Protection Agency ("EPA") Region 2 is issuing to the Town of Rotterdam ("Town") pursuant to Sections 308(a) and 309(a) of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1318(a) and 1319(a). The EPA is issuing the Information Request to require the Town to provide specific information regarding the condition of its Municipal Separate Storm Sewer System ("MS4") and the actions needed to attain compliance with the CWA and with the State Pollutant Discharge Elimination System ("SPDES") General Permit for Storm Water Discharges from MS4s ("MS4 General Permit" or "Permit"). The EPA is issuing the Administrative Compliance Order because the Town has violated and remains in a state of noncompliance with CWA Section 301, 33 U.S.C. § 1311, for failing to comply with the conditions and limitations of the MS4 General Permit.

Enclosed are two originals of the Order. Please acknowledge receipt of the Order on one of the originals and return it by mail in the enclosed envelope. Failure to comply with the enclosed Order may subject the Town of Rotterdam to civil or criminal penalties pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

Also enclosed is the Audit Report for the Audit of the Town of Rotterdam's MS4 conducted by the EPA, on April 2 through 4, 2013.

If you have any questions regarding the enclosed Order, please contact Douglas McKenna, Chief, Water Compliance Branch, at (212) 637-4244.

Sincerely,

  
Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance

Enclosures

cc: Joseph DiMura, P.E, Director, Bureau of Water Compliance Programs, NYSDEC  
Andrea Dzierwa, Regional Water Engineer, NYSDEC, Region 4  
Mary O. Barrie, NYSDEC, Region 4 (electronic)  
Vince Romano, Town of Rotterdam (electronic)

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
Region 2  
290 Broadway  
New York, New York 10007-1866

**IN THE MATTER OF:**

Town of Rotterdam  
1100 Sunrise Boulevard  
Rotterdam, New York 12306

SPDES Permit No. NYR20A354

Respondent

Proceeding pursuant to §§ 308(a) and 309(a) of the  
Clean Water Act, 33 U.S.C. §§ 1318(a) and 1319(a)

**INFORMATION REQUEST AND  
ADMINISTRATIVE COMPLIANCE ORDER**

**CWA-02-2013-3047**

**A. STATUTORY AUTHORITY**

The following Information Request and Administrative Compliance Order (together the “Order”) are issued pursuant to Sections 308(a) and 309(a) of the Clean Water Act (“CWA”), respectively, 33 U.S.C. §§ 1318(a) and 1319(a). These authorities have been delegated by the Administrator of the United States Environmental Protection Agency (“EPA”) to the Regional Administrator, EPA Region 2 and further delegated to the Director of the Division of Enforcement and Compliance Assistance, EPA Region 2.

1. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), makes it unlawful for any person to discharge any pollutant from a point source to waters of the United States, except, among other things, with the authorization of, and in compliance with, a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
2. Section 402 of the CWA, 33 U.S.C. § 1342, authorizes the Administrator of the EPA to issue a NPDES permit for the discharge of any pollutant, or combination of pollutants subject to certain requirements of the CWA and conditions which the Administrator determines are necessary. The New York State Department of Environmental Conservation (“NYSDEC”) is the agency with the authority to administer the federal NPDES program in New York pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b). State Pollutant Discharge Elimination System (“SPDES”) permit is required to be issued to facilities by the NYSDEC for the discharge of pollutants from point sources to navigable waters of the United States. The EPA maintains concurrent enforcement authority with authorized states for violations of the CWA and permits issued by authorized States there under.
3. “Person” is defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5), to include any individual, corporation, partnership, association or municipality.

4. "Municipality" is defined by Section 502(4) of the CWA, 33 U.S.C. § 1362(4), to include among other things, a city, town, borough, county, parish, district, associations, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.
5. "Discharge of a pollutant" is defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12), to include any addition of any pollutant to navigable waters from any point source.
6. "Pollutant" is defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to include among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged into water.
7. "Point source" is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to include any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
8. "Navigable waters" is defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), to include the waters of the United States, and "waters of the United States" is defined at 40 C.F.R. 122.2 to include, among other things, waters which are currently used in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide, and all other waters, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce.
9. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides, in relevant part, that the Administrator of the EPA may require the owner or operator of any point source to, among other things: establish and maintain such records; make such reports; install, use and maintain such monitoring equipment; sample such effluents; and provide such other information as may reasonably be required to carry out the objective of the CWA.
10. Section 309(a) of the CWA, 33 U.S.C. § 1319(a), authorizes the Administrator of the EPA to issue an order requiring compliance with the CWA when any person is found to be in violation of Section 301 of the CWA, 33 U.S.C. § 1311, for, among other things, violating any condition or limitation contained in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.

## **B. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Director makes the following findings of fact and conclusions of law:

1. The Town of Rotterdam ("Town" or "Respondent") is a public body established under the laws of the State of New York that owns and operates the Municipal Separate Storm Sewer System ("MS4") within the Town of Rotterdam and has jurisdiction over the conveyance and discharge of stormwater.
2. Respondent is a person under Sections 502(5) and 502(4) of the CWA, 33 U.S.C. §§ 1362(5) and 1362(4).

3. Respondent's MS4 includes over 200 outfall pipes, which are point sources from which Respondent discharges stormwater, a pollutant within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to Poentic Kill, Mohawk River Tributaries, Normans Kill and Hudson River Tributaries.
4. Poentic Kill, unnamed Mohawk River Tributaries, Normans Kill and unnamed Hudson River Tributaries are waters of the United States.
5. On January 8, 2003, the NYSDEC issued permit No. GP-0-02-02, the SPDES General Permit for Storm Water Discharges from MS4s ("MS4 General Permit" or "Permit").
6. The MS4 General Permit became effective January 8, 2003 and expired on January 8, 2008.
7. On April 15, 2008, the NYSDEC issued MS4 General Permit No. GP-0-08-002, with an effective date of May 1, 2008, and an expiration date of April 30, 2010. GP-0-08-002 was administratively extended until the issuance of GP-0-10-002.
8. On April 29, 2010, the NYSDEC issued MS4 General Permit No. GP-0-10-002, with an effective date of May 1, 2010, and an expiration date of April 30, 2015.
9. On March 4, 2003, Respondent applied for and subsequently received authorization under the MS4 General Permit pursuant to permit No. NYR20A354, and has been covered under the conditions and limitations in the permit at all relevant times addressed by the Information Request and Administrative Compliance Order.
10. The MS4 General Permit authorizes Respondent to discharge pollutants from MS4 outfalls to the Poentic Kill, unnamed Mohawk River Tributaries, Normans Kill and unnamed Hudson River Tributaries under the conditions and limitations prescribed in the permit.
11. On April 2 through 4, 2013, the EPA and the NYSDEC conducted an Audit of the Respondent's MS4.
12. Based on the Audit findings, the EPA finds that the Respondent has failed to comply with the CWA and the conditions and limitations of the MS4 General Permit, including but not limited to the following:
  - a. Part IV.A of the Permit states that all permittees under GP-0-08-002 must have prepared a Stormwater Management Program ("SWMP") Plan documenting modifications to their SWMP. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. Part IV.A of the Permit also states that the SWMP Plan shall be made readily available to MS4 staff, to the public and to NYSDEC and EPA staff. The Town was unable to provide EPA with a SWMP Plan at the time of the Audit. Additional Permit requirements not met by the Town of Rotterdam due to the lack of SWMP Plan include Parts IV.A, V.C.3.i, and X.B of the Permit. Therefore, Respondent violated Parts IV.A, V.C.3.i, and X.B of the Permit.
  - b. Part IV.G of the Permit requires that all permittees must, through a signed certification statement, contract or agreement, provide adequate assurance that the third parties will



comply with permit requirements applicable to the work performed by the third party. Third parties conducting SWMP-related work within the Town include the third parties leasing Town ball fields that are tasked with trash pickup and restroom maintenance and Town Designated Engineers (“TDEs”) who are tasked with implementing construction site inspections and Stormwater Pollution Prevention Plan (“SWPPP”) review on behalf of the Town have not signed the certification statement listed in the MS4 Permit, and an equivalent statement is not included in contracts with the Town. Therefore, Respondent violated Part IV.G of the Permit.

- c. Part V.A of the Permit requires all permittees to conduct an annual evaluation of its program compliance, the appropriateness of its identified Best Management Practices (“BMPs”), meeting new permit requirements, and progress toward achieving its identified measurable goals, which must include reducing the discharge of pollutants to the maximum extent practical. According to the Town’s submitted Notice of Intent (“NOI”), the initial identified measurable goals included implementation of recommendations to reduce salt/sand use starting in 2006. According to Town representatives, the Town routinely applies salt to Town-maintained roads. The Town buys more salt as the salt pile gets low and does not track or document salt use as part of this process. Therefore, Respondent violated Part V.A of the Permit.
- d. Part V.B of the Permit states that all permittees must keep records required by this SPDES general permit (records that document SWMP, records included in SWMP Plan, other records that verify reporting required by the permit, NOI, past annual reports, and comments from the public and the NYSDEC, etc.) for at least five (5) years after they are generated. Records, including the NOI and the SWMP Plan, must be available to the public at reasonable times during regular business hours. The Town was unable to provide EPA with SWMP implementation documentation including catch basin cleaning, 2010 and 2011 identified and eliminated illicit connections, street sweeping, post-construction inspection, annual report public meeting documentation, documentation of the 25 public events and 750 printed materials reported in 2012 annual report, good housekeeping training documentation and post-construction maintenance records. Therefore, Respondent violated Part V.B of the Permit.
- e. Part V.C.1 of the Permit requires the Annual Report to be received by NYSDEC no later than June 1 of each reporting year. Two of the past five Annual Reports submitted by the Town were not received by NYSDEC by June 1 of the reporting year. The 2008 and 2009 Annual Reports were received by NYSDEC on June 5, 2008 and August 28, 2009, respectively. Therefore, Respondent violated Part V.C.1 of the Permit.
- f. Part V.C.3.b of the Permit states that the Annual Report must include, at a minimum, the appropriateness of the identified BMPs; progress towards achieving the statutory goal of reducing the discharge of pollutants to the maximum extent practical; and the identified measurable goals for each of the MCMs; and Part VII.A.6.c of the Permit states, at a minimum, all covered entities must develop, record, periodically assess and modify as needed measurable goals as it relates to the Pollution Prevention/Good Housekeeping for Municipal Operations Minimum Control Measure. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. Additionally, Part VII.A.6.f.iv of the Permit states that the covered entity shall

report on effectiveness of program, BMP and measurable goal assessment. The 2010, 2011 and 2012 Annual Reports submitted by the Town did not list a measurable goal for the Town's Pollution Prevention and Good Housekeeping for Municipal Operations program. Therefore, Respondent violated Part V.C.3.b of the Permit.

- g. Part V.C.3.f of the Permit requires all permittees to include any change in identified BMPs or measurable goals and justification for those changes in the Annual Report. The 2010 and 2011 Annual Reports listed the Public Education and Outreach program measurable goal as "education and participation by town employees and private contractors" and the Illicit Discharge Detection and Elimination program measurable goal as "basin marking scheduled to continue through 2013" while the measurable goal spaces were left blank on the 2012 Annual Report with no justification. Therefore, Respondent violated Part V.C.3.f of the Permit.
- h. Part VII.A.1.a of the Permit requires permittees to identify Pollutants of Concern ("POCs"), waterbodies of concern, geographic areas of concern and target audiences. At the time of the Audit, the Town had not identified POCs, waterbodies of concern, geographic areas of concern and target audiences. Additional Permit requirements not met by the Town of Rotterdam due to the lack of identified POCs include Parts III.B.1, VII.A.1.b.ii, VII.A.1.d, VII.A.3.f, VII.A.3.k, VII.A.4.a.xiv, VII.A.5.d and VII.A.6.d of the Permit. Therefore, Respondent violated Parts VII.A.1.a, III.B.1, VII.A.1.b.ii, VII.A.1.d, VII.A.3.f, VII.A.3.k, VII.A.4.a.xiv, VII.A.5.d and VII.A.6.d of the Permit.
- i. Part VII.A.1.b of the Permit states that at a minimum all permittees must develop (for newly authorized MS4s) and implement an ongoing Public Education and Outreach program designed to describe to the general public and target audiences: the impacts of stormwater discharges on waterbodies, POCs and their sources, and steps that contributors of these pollutants can take to reduce pollutants in stormwater runoff. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. At the time of the Audit, the Town had not developed and implemented a public education and outreach program designed to describe to target audiences POCs and their sources. Therefore, Respondent violated Part VII.A.1.b of the Permit.
- j. Part VII.A.2.b of the Permit states that at a minimum all permittees must develop (for newly authorized MS4s) and implement a Public Involvement/Participation program that identifies key individuals and groups, public and private, who are interested in or affected by the SWMP. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. At the time of the Audit, the Town had not developed and implemented a public involvement/participation program that identifies key individuals and groups who are interested in or affected by the SWMP. Therefore, Respondent violated Part VII.A.2.b of the Permit.
- k. Part VII.A.2.d of the Permit states that prior to submitting the final annual report to the NYSDEC all permittees are required to present the draft annual report in a format that is open to the public. The Town's 2012 Annual Report, signed by Patrick Carroll of the Town on May 5, 2012, states that the Annual Report was made available to the public, however no date was included and at the time of the Audit, the Town was unable to

provide any further details regarding the 2012 Annual Report being made available to the public. Therefore, Respondent violated Part VII.A.2.d of the Permit.

- l. Part VII.A.3.a of the Permit states that at a minimum, all permittees must develop (for newly authorized MS4s), implement and enforce a program to detect and eliminate illicit discharges into the MS4. According to Town representatives, the Town Highway Department conducts outfall inspections and Illicit Discharge Detection and Elimination ("IDDE") investigation in response to complaints and abnormal observations such as discoloration of the pipes. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. The Highway Department does not conduct routine outfall inspections, does not have standard written procedures for the IDDE program and does not document inspections. Therefore, Respondent violated Part VII.A.3.a of the Permit.
- m. Part VII.A.3.b.i of the Permit states that all permittees must develop (for newly authorized MS4s) and maintain a map, at a minimum within the permittees' jurisdiction in the urbanized area and additionally designated area showing the location of all outfalls. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. At the time of the Audit, EPA identified at least three (3) unmapped MS4 outfalls at locations listed in Table 1 of the enclosed Audit Report, including one (1) located at the Town's Water and Sewer Plant. Therefore, Respondent violated Part VII.A.3.b.i of the Permit.
- n. Part VII.A.3.b.ii of the Permit states that all permittees must, by March 9, 2010, develop (for newly authorized MS4s) and maintain a map showing the preliminary boundaries of the permittees' storm sewersheds that have been determined using GIS or other tools, even if they extend outside of the urbanized area (to facilitate track down), as well as additionally designated area within the permittees' jurisdiction. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. According to Town representatives and the 2012 submitted Annual Report, the Town has not developed a map showing the preliminary boundaries of the storm sewershed. Therefore, Respondent violated Part VII.A.3.b.ii of the Permit.
- o. Part VII.A.3.c of the Permit states that all permittees must field verify outfall locations. The Town has access to the Schenectady Internet Mapping System ("SIMS") program which includes Town water and sewer mains, topography, waterbodies, roads and MS4 outfall locations and photographs. EPA observed that at least five (5) of the mapped "outfalls" in the SIMS program were actually catch basins that did not discharge stormwater to an adjacent MS4 or to an associated outfall (outfalls 185, 109, 110, 111, and 112). Therefore, Respondent violated Part VII.A.3.c of the Permit.
- p. Part VII.A.3.d of the Permit requires all permittees to conduct an outfall reconnaissance inventory, as described in the EPA publication entitled "Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment," addressing every outfall within the urbanized area and additionally designated area within the permittee's jurisdiction at least once every five years, with reasonable progress each year. The NYSDEC SPDES MS4 General Permit GP-0-08-002 with the effective date of May 1, 2008, includes this requirement, therefore, the five year deadline



was May 1, 2013. At the time of the Audit, the Town of Rotterdam had not conducted outfall reconnaissance inventory at any outfalls, as described in the EPA publication, including but not limited to, dry weather outfall screening. According to the Annual Reports submitted by the Town, in 2010, 50 outfalls were screened for dry weather discharges, 25 were screened in 2011 and 9 were screened in 2012; however, Town representatives were unable to provide EPA with documentation including what outfalls were screened, what observations and procedures were used and the weather conditions at the time of the screening. Therefore, Respondent violated Part VII.A.3.d of the Permit.

- q. Part VII.A.3.f of the Permit requires all permittees to prohibit, through a law, ordinance or other regulatory mechanism, illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions. This mechanism must be equivalent to the State's model IDDE local law "NYSDEC Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems". The mechanism must be certified by the attorney representing the small MS4 as being equivalent to the State's model illicit discharge local law. According to the Town's 2012 submitted Annual Report and Town representatives, an attorney representing the Town of Rotterdam has not certified the Town's IDDE ordinance, Chapter 270-225 Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer System, as being equivalent to the State's model illicit discharge local law. Therefore, Respondent violated Part VII.A.3.f of the Permit.
- r. Part VII.A.3.g of the Permit requires permittees to develop (for newly authorized MS4s) and implement a program to detect and address non-stormwater discharges to the small MS4. The program must include: available equipment; procedures for identifying and locating illicit discharges (trackdown); procedures for eliminating illicit discharges; and procedures for documenting actions. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. The Town has not developed a written IDDE program that includes available equipment; procedures for identifying and locating illicit discharges (trackdown); procedures for eliminating illicit discharges; and procedures for documenting actions. Therefore, Respondent violated Part VII.A.3.g of the Permit.
- s. Part VII.A.4.a.i of the Permit requires that all permittees develop (for newly authorized MS4s), implement and enforce a program that provides equivalent protection to the NYSDEC SPDES Construction General Permit ("CGP"). In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. The following deficiencies identified by EPA at the Campbell Road Warehouse, Helderberg Meadows and Planet Fitness construction sites on April 3, 2013 are violations of the NYSDEC SPDES CGP and at the time of the inspection the Town had not implemented follow up enforcement actions regarding the observed deficiencies, in violation of Part VII.A.4.a.i of the Permit:
  - i. EPA observed perimeter silt fencing down at the Campbell Road Warehouse construction site (NYR10Q919), not maintained in accordance with the SWPPP;
  - ii. EPA observed erosion channels on the banks of the constructed detention basin lacking vegetation at the Helderberg Meadows (NYR10S414), not vegetated in accordance with the SWPPP; and

- iii. EPA observed perimeter silt fencing with holes downhill from a stockpile and adjacent to a wetland at the Planet Fitness construction site (NYR10V848), not maintained in accordance with the SWPPP.
- t. Part VII.A.4.a.vii of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that describes procedures for SWPPP review. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. The Town of Rotterdam did not have written procedures for SWPPP review at the time of the Audit. Therefore, Respondent violated Part VII.A.4.a.vii of the Permit.
- u. Part VII.A.4.a.viii of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site stormwater runoff. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. At the time of the Audit, the Town of Rotterdam did not have written procedures for receipt and follow up on complaints by the public regarding construction site stormwater runoff. Therefore, Respondent violated Part VII.A.4.a.viii of the Permit.
- v. Part VII.A.4.a.ix of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that describes procedures for site inspections and enforcement of erosion and sediment control measures, including steps to identify priority sites for inspection and enforcement and Notice of Termination (“NOT”) procedures for signing the MS4 acceptance statement on the NOT. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. At the time of the Audit, the Town of Rotterdam did not have written procedures for construction site inspections, enforcement, identifying priority sites for inspection and NOT procedures that include signing the MS4 acceptance statement on the NOT. According to Town representatives, TDEs inspect sites on a weekly basis on behalf of the Town. However, according to the TDE representative and the Town’s Project Tracking History database, one (1) of the construction sites that EPA visited in the field had not been inspected since March 6, 2013. Therefore, Respondent violated Part VII.A.4.a.ix of the Permit.
- w. Part VII.A.4.a.xi of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that ensures that construction site operators have received erosion and sediment control training before they do work within the MS4’s jurisdiction and maintain records of that training. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. At the time of the Audit, the Town was unable to provide records that document that construction site operators have received erosion and sediment control training prior to conducting work within the Town. Therefore, Respondent violated Part VII.A.4.a.xi of the Permit.
- x. Part VII.A.5.a.vi of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that maintains an inventory of post-construction stormwater management practices within the MS4’s jurisdiction. At a

minimum, it must include practices discharging to the small MS4 that have been installed since March 10, 2003, all practices owned by the small MS4, and those practices found to cause or contribute to water quality standard violations. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. According to Town representatives, the Town does not maintain an inventory of all post-construction stormwater management practices discharging to the small MS4 that have been installed since March 10, 2003, all practices owned by the small MS4, and those practices found to cause or contribute to water quality standard violations. Therefore, Respondent violated Part VII.A.5.a.vi of the Permit.

- y. Part VII.A.5.a.vii of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that ensures adequate long-term operation and maintenance of management practices identified in Part VII.5.a.vi by trained staff, including inspections to ensure that practices are performing properly. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. The Town does not routinely inspect and does not have a long-term operation and maintenance plan for post-construction stormwater management practices within the MS4's jurisdiction. According to Town representatives, the Town inspects post-construction stormwater management practices in response to a complaint or identified problem but does not document these inspections and does not conduct routine inspection or maintenance. Therefore, Respondent violated Part VII.A.5.a.vii of the Permit.
- z. Part VII.A.6.a.i of the Permit requires all permittees to develop (for newly authorized MS4s) and implement a pollution prevention/good housekeeping program for municipal operations and facilities that addresses municipal operations and facilities that contribute or potentially contribute POCs to the small MS4 system. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. According to Town representatives, the Town Parks and Highway Departments do not have a BMP Plan or manual that addresses potential pollutant sources from Town facilities. EPA inspectors observed inadequate pollution prevention/good housekeeping at the following locations operated by the Town that contribute or potentially contribute POCs to the small MS4 system, in violation of Part VII.A.6.a.i of the Permit:
  - i. At the Highway Garage:
    - 1. Uncovered salt pile on-site, exposed to stormwater and located uphill from an unprotected catch basin;
    - 2. Street sweeper interior rinsing conducted outside on-site uphill from an unprotected catch basin; and
    - 3. Uncovered fueling station on-site, exposed to stormwater and located uphill from an unprotected catch basin.
  - ii. At the Water/Sewer Garage:
    - 1. Floor drains in vehicle maintenance garage where dark oil stains were observed appears to discharge to the storm sewer system and MS4 outfall located on-site;

2. Vehicle washing is conducted on-site adjacent to unprotected catch basins; and
  3. Dumpster and Wastewater Treatment Plant (“WWTP”) residuals stored adjacent to an unprotected catch basin.
- aa. Part VII.A.6.a.ii of the Permit requires that all permittees must at a minimum frequency of once every three years, perform a self-assessment of all municipal operations addressed by the SWMP to: determine the sources of pollutants potentially generated by the permittee’s operations and facilities and identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already. At the time of the Audit, the Town provided EPA with a “Self Audit” form completed by James Longo of the Highway Department on February 19, 2013, at the Highway Garage. The “Self Audit” form completed by the Town states “Not Applicable” to the question of “Are salt piles stored in a salt storage building or under a roof.” At the time of the Audit, EPA observed salt piles at the Highway Garage uncovered, exposed to stormwater and adjacent to a Town catch basin. Additionally, the Town was unable to provide EPA with “Self Audit” forms completed for any other Town Facility at the time of the Audit. Therefore, Respondent violated Part VII.A.6.a.ii of the Permit.
- bb. Part VII.A.6.a.vi of the Permit requires that all permittees develop (for newly authorized MS4s) and implement a pollution prevention / good housekeeping program for municipal operations and facilities that includes an employee pollution prevention and good housekeeping training program and ensures that staff receive and utilize training. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. Annual Reports submitted by the Town in 2010, 2011 and 2012 list employee pollution prevention and good housekeeping training held on 5/15/2010, 5/1/2011 and 5/20/2012. However, at the time of the Audit, Town employees were unable to provide EPA with details and documentation regarding training content and attendance for training held within the past five (5) years. According to Town representatives, there is no formal routine training for Parks or Highway Department employees. Therefore, Respondent violated Part VII.A.6.a.vi of the Permit.
13. Based upon Paragraphs 1-12 above, the EPA finds that Respondent has violated Section 301 of the CWA, 33 U.S.C. § 1311, for failing to comply with the conditions and limitations in the MS4 General Permit.

### **C. REQUESTED INFORMATION**

Based on the Findings of Fact and Conclusions of Law, above, and pursuant to the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), Respondent is required to submit to the EPA in writing a written response regarding each of the listed Areas of Concern and Recommendations in the enclosed Audit Report within ninety (90) days of receipt of this Order.



### **D. ORDERED PROVISIONS**

Based upon the foregoing Findings of Fact and Conclusions of Law and pursuant to the authority of Section 309(a) of the CWA, 33 U.S.C. § 1319(a), Respondent is hereby ORDERED to do the following:

1. Respondent shall complete the following items in accordance with the schedule listed below:

<b><u>Item</u></b>	<b><u>Completion Deadline</u></b>
<p>i. Develop and implement appropriate pollution prevention measures at the following areas/operations at municipal facilities that contribute or potentially contribute Pollutants of Concern to the small MS4 system, as required by Part VII.A.6.a.i of the Permit, including but not limited to eliminating each of the following sources of pollutants:</p> <p>a. At the Highway Garage:</p> <ol style="list-style-type: none"><li>1. Uncovered salt pile on-site uphill from unprotected catch basin;</li><li>2. Street sweeper interior rinsing conducted outside on-site uphill from an unprotected catch basin; and</li><li>3. Uncovered fueling station located on-site uphill from an unprotected catch basin.</li></ol> <p>b. At the Water/Sewer Garage:</p> <ol style="list-style-type: none"><li>1. Floor drains in vehicle maintenance garage where dark oil stains were observed appears to discharge to the storm sewer system and outfall located on-site;</li><li>2. Vehicle washing is conducted on-site adjacent to unprotected catch basins; and</li><li>3. Dumpster and WWTP residuals stored adjacent to an unprotected catch basin.</li></ol>	<p>Develop and implement immediately</p>
<p>ii. Submit to EPA and NYSDEC a written report summarizing the pollution prevent measures taken in response to Item i above. Such report should include photographs documenting measures implemented.</p>	<p>Within thirty (30) days of receipt of this Order</p>
<p>iii. Provide written justification for and submit a copy to EPA and NYSDEC of changes made to the Public Education and Outreach and Illicit Discharge Detection and Elimination program measurable goals in the 2012 Annual Report, as required by Part V.C.3.f of the Permit.</p>	<p>September 15, 2013</p>
<p>iv. Identify and submit to EPA and NYSDEC Pollutants of Concern, waterbodies of concern, geographic areas of</p>	<p>September 15, 2013</p>



	concern and target audiences, as required by Parts VII.A.1.a and X of the Permit.	
v.	Develop, implement and submit to EPA and NYSDEC written procedures for documenting and maintaining records as required by Part V.A of the Permit, including but not limited to catch basin cleaning, 2010 and 2011 identified and eliminated illicit connections, street sweeping, post-construction inspection, annual report public meeting documentation, 25 public events and 750 printed materials reported in 2012 annual report, good housekeeping training documentation and post-construction maintenance records.	September 15, 2013
vi.	Develop, implement and submit to EPA and NYSDEC written procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site storm water runoff, as required by Part VII.A.4.a.viii of the Permit.	September 15, 2013
vii.	Submit quarterly progress reports to EPA and NYSDEC outlining all activities undertaken and costs, including labor, associated each.	Quarterly, starting October 1, 2013
viii.	Develop, implement and submit to EPA and NYSDEC written procedures for SWPPP review, as required by Part VII.A.4.a.vii of the Permit.	October 1, 2013
ix.	Develop, implement and submit to EPA and NYSDEC a program that describes procedures for site inspections and enforcement of erosion and sediment control measures, including steps to identify priority sites for inspection and enforcement and Notice of Termination procedures for signing the MS4 acceptance statement on the NOT, as required by Part VII.A.4.a.ix of the Permit.	October 1, 2013
x.	Develop, implement and submit to EPA and NYSDEC a written program that documents and tracks construction operator training and that ensures that all construction site operators have proper training before they do work within the MS4's jurisdiction, as required by Part VII.A.4.xi of the Permit.	October 1, 2013
xi.	Ensure that corrective actions are taken to address CGP violations identified at the Campbell Road Warehouse, Helderberg Meadows and Planet Fitness construction sites and that, if necessary, enforcement escalation procedures are followed, as required by Part VII.A.4.a.i of the Permit.	October 1, 2013

Submit to EPA and NYSDEC a written statement that the CGP violations have been corrected or that enforcement actions have been taken by the Town.	
xii. Develop, implement and submit to EPA and NYSDEC an employee pollution prevention and good housekeeping training program that ensures employee and contractor training is regularly scheduled, documented, and included in the SWMP Plan, as required by Part VII.A.6.a.vi of the Permit.	October 1, 2013
xiii. Develop, implement and submit to EPA and NYSDEC a public education and outreach program designed to describe the following to the general public and target audiences: the impacts of stormwater discharges on waterbodies, POCs and their sources, and steps that contributors of these pollutants can take to reduce pollutants in stormwater runoff, as required by Part VII.A.1.b of the Permit.	October 1, 2013
xiv. Develop, implement and submit to EPA and NYSDEC a public involvement/participation program that identifies key individuals and groups, public and private, who are interested in or affected by the SWMP, as required by Part VII.A.2.b of the Permit.	October 1, 2013
xv. Develop, implement and submit to EPA and NYSDEC copies of a signed certification statements, contracts or agreements that provide adequate assurance that the third parties will comply with permit requirements applicable to the work performed by the third party, including but not limited to ball field leasees and Town Designated Engineers, as required by Part IV.G of the Permit.	November 1, 2013
xvi. Certify through a signed certification by an attorney representing the Town that the Town's mechanism to prohibit illicit discharges to the small MS4 is equivalent to the State's model illicit discharge local law, as required by Part VII.a.3.f of the Permit and submit a copy to EPA and NYSDEC.	November 1, 2013
xvii. Develop and submit to EPA and NYSDEC an outfall map showing the location of all outfalls within the Town's jurisdiction including but not limited to the three (3) identified unmapped outfalls listed in Table 1 of the Audit Report, as required by Part VII.A.3.b.i of the Permit.	November 1, 2013
xviii. Develop and submit to EPA and NYSDEC a map showing	November 1, 2013

the preliminary boundaries of storm sewersheds, as required by Part VII.A.3.b.ii of the Permit.	
xix. Field verify all outfall locations, including but not limited to identifying and segregated outfalls and catch basins, as required by Part VII.A.3.c of the Permit.	December 1, 2013
xx. Conduct and submit to EPA and NYSDEC a self assessment of all municipal operations and facilities addressed by the SWMP, as required by Part VII.A.6.a.ii of the Permit.	December 1, 2013
xxi. Develop, implement and submit to EPA and NYSDEC a program to detect and eliminate illicit discharges into the MS4, as required by Part VII.A.3.a of the Permit.	December 1, 2013
xxii. Develop, implement and submit to EPA and NYSDEC a written program to detect and address non-stormwater discharges to the small MS4. The program must include: available equipment; procedures for identifying and locating illicit discharges (trackdown); procedures for eliminating illicit discharges; and procedures for documenting actions, as required by Part VII.A.3.g of the Permit.	December 1, 2013
xxiii. Develop, implement and submit to EPA and NYSDEC an inventory of post-construction stormwater management discharging to the small MS4 that have been installed since March 10, 2003, all practices owned by the small MS4, and those practices found to cause or contribute to water quality standard violations, as required by Part VII.A.5.a.vi of the Permit.	January 1, 2014
xxiv. Develop, implement and submit to EPA and NYSDEC a written program that ensures adequate long-term operation and maintenance of post-construction management practices identified in Part VII.5.a.vi by trained staff, including inspection to ensure that practices are performing properly, as required by Part VII.A.5.a.vii of the Permit.	January 1, 2014
xxv. Develop, implement and submit to EPA and NYSDEC a written procedure for presenting draft annual reports in a format that is open to the public, including methods for documentation, as required by Part VII.A.2.d of the Permit.	January 1, 2014
xxvi. Develop, implement and submit to EPA and NYSDEC a	January 1, 2014

<p>written procedure to conduct an annual evaluation of program compliance, the appropriateness of its identified BMPs, meeting new permit requirements, and progress toward achieving its identified measurable goals, which must include reducing the discharge of pollutants to the maximum extent practical, as required by Parts V.A and V.C.3.b of the Permit.</p>	
<p>xxvii. Conduct and submit documentation to EPA and NYSDEC an outfall reconnaissance inventory at every outfall within the Town's jurisdiction, as described in the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, as required by Part VII.A.3.d of the Permit.</p>	<p>February 1, 2014</p>
<p>xxviii. Develop a SWMP Plan in accordance with Parts IV.A, V.C.3.i and X.B of the Permit and submit a copy to EPA and NYSDEC, which includes, at a minimum, the following:</p> <ul style="list-style-type: none"> <li>a. Updates to incorporate 2008 and 2010 additional permit requirements;</li> <li>b. Pollutants of Concern;</li> <li>c. Developed measurable goals;</li> <li>d. SWMP Plan review and update procedure;</li> <li>e. Applicable local laws;</li> <li>f. Enforcement escalation procedures necessary to implement SWMP;</li> <li>g. Program budget;</li> <li>h. Written procedures for responding to public complaints;</li> <li>i. Available IDDE equipment, written procedures for identifying and locating illicit discharges (trackdown), procedures for eliminating illicit discharges, procedures for conducting dry weather monitoring of outfalls, and procedures for documenting actions;</li> <li>j. Outfall and MS4 system maps;</li> <li>k. Construction site SWPPP review procedures, SWPPP review letters, SWPPP acceptance procedures; submitted SWPPPs; SWPPP conditional release procedures and approvals; construction site inspection procedures, construction site inspection reports; construction site Notice of Termination procedures, construction site operator training documentation and procedures for documenting actions;</li> <li>l. Written procedures for routine inspections of post-construction stormwater management practices and written plans for adequate operation and maintenance;</li> </ul>	<p>February 1, 2014</p>

<ul style="list-style-type: none"> <li>m. Municipal facilities and operations self-assessment procedure, documentation and results;</li> <li>n. Vehicle inventory and maintenance BMPs, road maintenance and deicing activities BMPs, catch basin cleaning and street sweeping procedures; Town facility BMPs, spill response procedure and procedures for documenting actions;</li> <li>o. Town owned or operated facility inventory;</li> <li>p. Spill response procedures; and</li> <li>q. Employee pollution prevention and good housekeeping training program.</li> </ul>	
xxix. Submit annual reports so that they are received by NYSDEC by June 1 of each reporting year, as required by Part V.C.1 of the Permit.	Annually, starting June 1, 2014

### **E. GENERAL PROVISIONS**

1. Any information or documents to be submitted by Respondent as part of this Order shall, pursuant to 40 C.F.R. § 122.22, be sent by certified mail or its equivalent to:

Doughlas McKenna, Chief  
Water Compliance Branch  
Division of Enforcement and Compliance Assistance  
U.S. Environmental Protection Agency - Region 2  
290 Broadway - 20th floor  
New York, NY 10007-1866

and shall be signed by an authorized representative of Respondent, and shall include the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”


2. Immediately upon receipt of the original copies of this Order, a responsible official of Respondent shall complete and sign the acknowledgment of receipt of one of the originals of the Order and return said original to the Agency representative named above, in paragraph E.1., in the enclosed envelope.



3. Respondent shall have the opportunity, for a period of twenty (20) days from the effective date of this Order, to confer regarding the Requested Information or Ordered Provisions, with the Agency representative named above, in paragraph E.1.
4. Respondent may seek federal judicial review of the CWA Section 309(a) Administrative Compliance Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
5. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. It is an action taken by the EPA to ensure swift compliance with the CWA, and its issuance shall not be deemed an election by the EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.
6. Notice is hereby given that failure to provide the information requested in Section C, above, pursuant to CWA Section 308(a), may result in Respondent's liability for civil penalties for each violation of up to \$37,500 per day under Section 309(d) of the CWA, as modified by 40 C.F.R. Part 19. Upon suit by the EPA, the United States District Court may impose such penalties if, after notice and opportunity for a hearing, the Court determines that Respondent has failed to provide any of the Requested Information. You may also be subject to administrative remedies for failing to comply with the Information Request, as provided by Section 309 of the CWA.
7. Notice is also given that failure to complete the provisions ordered in Section D, above, pursuant to CWA Section 309(a), may result in Respondent's liability for civil penalties for each violation of up to \$37,500 per day under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), as modified by 40 C.F.R. Part 19. Upon suit by the EPA, the United States District Court may impose such penalties if, after notice and opportunity for a hearing, the Court determines that Respondent has violated the CWA as described above and failed to comply with the Ordered Provisions. The District Court has the authority to impose separate civil penalties for any violations of the CWA and for any violations of the Administrative Compliance Order.
8. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.
9. This Order shall become effective upon the date of execution by the Director, Division of Enforcement and Compliance Assistance.

Dated: NOVEMBER 9, 2013

Signed: \_\_\_\_\_

  
Dore LaPosta, Director  
Division of Enforcement and  
Compliance Assistance

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

**IN THE MATTER OF:**

Town of Rotterdam  
1100 Sunrise Boulevard  
Rotterdam, New York 12306

SPDES Permit No. NYR20A354

Respondent

Proceeding pursuant to §§ 308(a) and 309(a) of  
the Clean Water Act, 33 U.S.C. §§ 1318(a) and  
1319(a).

**INFORMATION REQUEST AND  
ADMINISTRATIVE COMPLIANCE ORDER**

**CWA-02-2013-3047**

**ACKNOWLEDGMENT OF RECEIPT OF  
INFORMATION REQUEST AND ADMINISTRATIVE COMPLIANCE ORDER**

I, \_\_\_\_\_, an officer of the Respondent, with the title of,  
\_\_\_\_\_, do hereby acknowledge the receipt of copy of the  
INFORMATION REQUEST AND ADMINISTRATIVE COMPLIANCE ORDER, CWA-02-  
2013-3047.

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_



United States Environmental Protection Agency  
Washington, D.C. 20460

## Water Compliance Inspection Report

### Section A: National Data System Coding (i.e., PCS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> 19 <input type="checkbox"/> 20 <input type="checkbox"/>					
Remarks					
21 <input type="checkbox"/> 22 <input type="checkbox"/> 23 <input type="checkbox"/> 24 <input type="checkbox"/> 25 <input type="checkbox"/> 26 <input type="checkbox"/> 27 <input type="checkbox"/> 28 <input type="checkbox"/> 29 <input type="checkbox"/> 30 <input type="checkbox"/> 31 <input type="checkbox"/> 32 <input type="checkbox"/> 33 <input type="checkbox"/> 34 <input type="checkbox"/> 35 <input type="checkbox"/> 36 <input type="checkbox"/> 37 <input type="checkbox"/> 38 <input type="checkbox"/> 39 <input type="checkbox"/> 40 <input type="checkbox"/> 41 <input type="checkbox"/> 42 <input type="checkbox"/> 43 <input type="checkbox"/> 44 <input type="checkbox"/> 45 <input type="checkbox"/> 46 <input type="checkbox"/> 47 <input type="checkbox"/> 48 <input type="checkbox"/> 49 <input type="checkbox"/> 50 <input type="checkbox"/> 51 <input type="checkbox"/> 52 <input type="checkbox"/> 53 <input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56 <input type="checkbox"/> 57 <input type="checkbox"/> 58 <input type="checkbox"/> 59 <input type="checkbox"/> 60 <input type="checkbox"/> 61 <input type="checkbox"/> 62 <input type="checkbox"/> 63 <input type="checkbox"/> 64 <input type="checkbox"/> 65 <input type="checkbox"/> 66 <input type="checkbox"/> 67 <input type="checkbox"/> 68 <input type="checkbox"/> 69 <input type="checkbox"/> 70 <input type="checkbox"/> 71 <input type="checkbox"/> 72 <input type="checkbox"/> 73 <input type="checkbox"/> 74 <input type="checkbox"/> 75 <input type="checkbox"/> 76 <input type="checkbox"/> 77 <input type="checkbox"/> 78 <input type="checkbox"/> 79 <input type="checkbox"/> 80 <input type="checkbox"/>					
Inspection Work Days	Facility Self-Monitoring Evaluation Rating	BI	QA	Reserved	
67 <input type="checkbox"/> 68 <input type="checkbox"/> 69 <input type="checkbox"/> 70 <input type="checkbox"/> 71 <input type="checkbox"/> 72 <input type="checkbox"/> 73 <input type="checkbox"/> 74 <input type="checkbox"/> 75 <input type="checkbox"/> 76 <input type="checkbox"/> 77 <input type="checkbox"/> 78 <input type="checkbox"/> 79 <input type="checkbox"/> 80 <input type="checkbox"/>					

### Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) Town of Rotterdam MS4 1100 Sunrise Boulevard, Rotterdam, NY 12306	Entry Time/Date 9:00 AM 4/2/2013	Permit Effective Date 5/1/2010
	Exit Time/Date 12:05 PM 4/4/2013	Permit Expiration Date 4/30/2015
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Vince Romano, Department of Public Works Coordinator Town of Rotterdam, 1100 Sunrise Boulevard, Rotterdam, NY 12306 518-355-7575 x395	Other Facility Data (e.g., SIC NAICS, and other descriptive information) Lat/long: 42.786299, -73.973994	
Name, Address of Responsible Official/Title/Phone and Fax Number Harry Buffardi, Town Supervisor 1100 Sunrise Boulevard, Rotterdam, NY 12306 518-355-7575	Contacted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

### Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

<input checked="" type="checkbox"/> Permit	<input type="checkbox"/> Self-Monitoring Program	<input type="checkbox"/> Pretreatment
<input checked="" type="checkbox"/> Records/Reports	<input type="checkbox"/> Compliance Schedules	<input checked="" type="checkbox"/> MS4
<input checked="" type="checkbox"/> Facility Site Review	<input type="checkbox"/> Laboratory	<input type="checkbox"/> Pollution Prevention
<input type="checkbox"/> Effluent/Receiving Waters	<input checked="" type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> Storm Water
<input type="checkbox"/> Flow Measurement	<input type="checkbox"/> Sludge Handling/Disposal	<input type="checkbox"/> Combined Sewer Overflow
		<input type="checkbox"/> Sanitary Sewer Overflow

### Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

SEV Codes	SEV Description
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

See attached audit report.

Name(s) and Signature(s) of Inspector(s) Kimberly McEathron	Agency/Office/Phone and Fax Numbers USEPA/DECA-WCB/212-637-4228	Date 7/2/2013
Signature of Management Q A Reviewer	Agency/Office/Phone and Fax Numbers	Date

# INSTRUCTIONS

## Section A: National Data System Coding (i.e., PCS)

**Column 1: Transaction Code:** Use N, C, or D for New, Change, or Delete. All inspections will be new unless there is an error in the data entered.

**Columns 3-11: NPDES Permit No.** Enter the facility's NPDES permit number - third character in permit number indicates permit type for U=unpermitted, G=general permit, etc.. (Use the Remarks columns to record the State permit number, if necessary.)

**Columns 12-17: Inspection Date.** Insert the date entry was made into the facility. Use the year/month/day format (e.g., 04/10/01 = October 01, 2004).

**Column 18: Inspection Type\*.** Use one of the codes listed below to describe the type of inspection:

A	Performance Audit	U	IU Inspection with Pretreatment Audit	!	Pretreatment Compliance (Oversight)
B	Compliance Biomonitoring	X	Toxics Inspection	@	Follow-up (enforcement)
C	Compliance Evaluation (non-sampling)	Z	Sludge - Biosolids	{	Storm Water-Construction-Sampling
D	Diagnostic	#	Combined Sewer Overflow-Sampling	}	Storm Water-Construction-Non-Sampling
F	Pretreatment (Follow-up)	\$	Combined Sewer Overflow-Non-Sampling	:	Storm Water-Non-Construction-Sampling
G	Pretreatment (Audit)	+	Sanitary Sewer Overflow-Sampling	~	Storm Water-Non-Construction-Non-Sampling
I	Industrial User (IU) Inspection	&	Sanitary Sewer Overflow-Non-Sampling	<	Storm Water-MS4-Sampling
J	Complaints	\	CAFO-Sampling	>	Storm Water-MS4-Non-Sampling
M	Multimedia	=	CAFO-Non-Sampling		Storm Water-MS4-Audit
N	Spill	2	IU Sampling Inspection		
O	Compliance Evaluation (Oversight)	3	IU Non-Sampling Inspection		
P	Pretreatment Compliance Inspection	4	IU Toxics Inspection		
R	Reconnaissance	5	IU Sampling Inspection with Pretreatment		
S	Compliance Sampling	6	IU Non-Sampling Inspection with Pretreatment		
		7	IU Toxics with Pretreatment		

**Column 19: Inspector Code.** Use one of the codes listed below to describe the lead agency in the inspection.

A	State (Contractor)	O	Other Inspectors, Federal/EPA (Specify in Remarks columns)
----	EPA (Contractor)	P	Other Inspectors, State (Specify in Remarks columns)
----	Corps of Engineers	R	EPA Regional Inspector
----	Joint EPA/State Inspectors—EPA Lead	S	State Inspector
----	Local Health Department (State)	T	Joint State/EPA Inspectors—State lead
N	NEIC Inspectors		

**Column 20: Facility Type.** Use one of the codes below to describe the facility.

- 1 — Municipal. Publicly Owned Treatment Works (POTWs) with 1987 Standard Industrial Code (SIC) 4952.
- 2 — Industrial. Other than municipal, agricultural, and Federal facilities.
- 3 — Agricultural. Facilities classified with 1987 SIC 0111 to 0971.
- 4 — Federal. Facilities identified as Federal by the EPA Regional Office.
- 5 — Oil & Gas. Facilities classified with 1987 SIC 1311 to 1389.

**Columns 21-66: Remarks.** These columns are reserved for remarks at the discretion of the Region.

**Columns 67-69: Inspection Work Days.** Estimate the total work effort (to the nearest 0.1 work day), up to 99.9 days, that were used to complete the inspection and submit a QA reviewed report of findings. This estimate includes the accumulative effort of all participating inspectors; any effort for laboratory analyses, testing, and remote sensing; and the billed payroll time for travel and pre and post inspection preparation. This estimate does not require detailed documentation.

**Column 70: Facility Evaluation Rating.** Use information gathered during the inspection (regardless of inspection type) to evaluate the quality of the facility self-monitoring program. Grade the program using a scale of 1 to 5 with a score of 5 being used for very reliable self-monitoring programs, 3 being satisfactory, and 1 being used for very unreliable programs.

**Column 71: Biomonitoring Information.** Enter D for static testing. Enter F for flow through testing. Enter N for no biomonitoring.

**Column 72: Quality Assurance Data Inspection.** Enter Q if the inspection was conducted as followup on quality assurance sample results. Enter N otherwise.

**Columns 73-80:** These columns are reserved for regionally defined information.

## Section B: Facility Data

This section is self-explanatory except for "Other Facility Data," which may include new information not in the permit or PCS (e.g., new outfalls, names of receiving waters, new ownership, other updates to the record, SIC/NAICS Codes, Latitude/Longitude).

## Section C: Areas Evaluated During Inspection

Check only those areas evaluated by marking the appropriate box. Use Section D and additional sheets as necessary. Support the findings, as necessary, in a brief narrative report. Use the headings given on the report form (e.g., Permit, Records/Reports) when discussing the areas evaluated during the inspection.

## Section D: Summary of Findings/Comments

Briefly summarize the inspection findings. This summary should abstract the pertinent inspection findings, not replace the narrative report. Reference a list of attachments, such as completed checklists taken from the NPDES Compliance Inspection Manuals and pretreatment guidance documents, including effluent data when sampling has been done. Use extra sheets as necessary.

\*Footnote: In addition to the inspection types listed above under column 18, a state may continue to use the following wet weather and CAFO inspection types until the state is brought into ICIS-NPDES: K: CAFO, V: SSO, Y: CSO, W: Storm Water 9: MS4. States may also use the new wet weather, CAFO and MS4 inspections types shown in column 18 of this form. The EPA regions are required to use the new wet weather, CAFO, and MS4 inspection types for inspections with an inspection date (DTIN) on or after July 1, 2005.

**Municipal Separate Storm Sewer System (MS4) Audit  
Town of Rotterdam (NYR20A354)  
April 2, 2013 through April 4, 2013**

**Prepared by:**

**United States Environmental Protection Agency Region 2  
290 Broadway  
New York, New York 10007**



**Town of Rotterdam MS4 (NYR20A354)**  
**April 2, 2013 – April 4, 2013**

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**Town of Rotterdam MS4 (NYR20A354)**  
**April 2, 2013 – April 4, 2013**

## **1. INTRODUCTION**

On April 2, 2013 through April 4, 2013, the United States Environmental Protection Agency (EPA), Region 2, conducted a program evaluation, or Audit, of the Town of Rotterdam (Town) Municipal Separate Storm Sewer System (MS4). EPA is granted the authority to conduct the Audit through 40 C.F.R. 122.41(i). Ms. Kimberly McEathron of EPA Region 2 conducted the Audit. The primary representatives involved in the Audit were the following:

Town of Rotterdam Representatives:	Mickey Maher, Building Inspector Jim Longo, Highway Superintendent Joe Gentile, Highway Department Rick Fowler, Highway Department Vince Romano, Department of Public Works Coordinator Wayne Calder, Deputy Town Supervisor Bradley D. Grant, Barton and Loguidice, Town Designated Engineer
NYSDEC Representatives:	Katherine Czajkowski, NYSDEC Region 4 Mary Barrie, NYSDEC Region 4 Meredith Streeter, NYSDEC Central Office Holly Shear, NYSDEC Central Office
EPA Representatives:	Kimberly McEathron, EPA Region 2 Katherine Mann, EPA Region 2

The purpose of the Audit was to determine the Town's compliance with the terms of its State Pollutant Discharge Elimination System (SPDES) MS4 Permit and to evaluate the current implementation status of the Town's stormwater management program. Prior to, during and after the Audit, EPA Region 2 reviewed program materials received from the Town (see Attachment A). The New York State Department of Environmental Conservation (NYSDEC) provided EPA Region 2 with the 2007 through 2011 Annual Reports submitted by the Town of Rotterdam. For this Audit, EPA Region 2 evaluated specific aspects of each Minimum Control Measure (MCM): Public Education and Outreach, Public Involvement and Participation, Construction Site Stormwater Runoff Control, Post-Construction Stormwater Management, Pollution Prevention and Good Housekeeping for Municipal Operations and Illicit Discharge, Detection and Elimination. EPA Region 2's Audit included in-field verification of program implementation.

## **2. HISTORY & BACKGROUND**

The State of New York is the delegated permitting and enforcement authority for the National Pollutant Discharge Elimination System (NPDES) or SPDES program. NYSDEC is the delegated agency that implements the SPDES program and as such, issued a SPDES General

## **Town of Rotterdam MS4 (NYR20A354)**

**April 2, 2013 – April 4, 2013**

Permit for Storm Water Discharges from MS4s (GP-0-10-002), which became effective on May 1, 2010 and expires on April 30, 2015.

The Town of Rotterdam submitted a Notice of Intent (NOI) to NYSDEC on March 4, 2003 and subsequently, received Permit coverage under the MS4 General Permit (GP-02-02) (NYR20A411), which became effective on January 8, 2003 and expired on January 8, 2008. The NYSDEC issued the Town of Rotterdam an Acknowledgement of Notice of Intent on April 10, 2003. Permit coverage remained in full force and effect and was automatically carried over upon the reissuance of MS4 General Permit (GP-08-002), which became effective on May 1, 2008 and expired on April 30, 2010. Upon expiration, permit coverage was automatically carried over to the current permit, MS4 General Permit (GP-0-10-002) (MS4 General Permit, SPDES General Permit or Permit).

### **3. AUDIT FINDINGS**

#### **A. Program Components**

##### Public Education and Outreach / Public Involvement and Participation

The Town has pamphlets available to the public located in kiosks at the Town Hall. EPA observed stormwater related pamphlets entitled “After the Storm”; “10 Thing You Can Do to Prevent Stormwater Runoff Pollution”; “Water and Sewer Connections Permit Application”; “Curbside Recycling in Schenectady County”; and “The Daily Ins and Outs of a Healthy Septic System”.

According to Town representatives, residential complaints are received by an answering service during regular business hours and by the local Police Department during emergencies after hours. Complaints are then forwarded to the relevant Town Department for response. Complaints forwarded to the Town Highway Department are written down on a piece of paper and a representative of the Highway Department investigates, makes the necessary corrective actions and disposes of the documentation. According to Town representatives, the Highway Department receives complaints on a daily basis primarily regarding catch basins in need of cleaning.

##### Construction Site Stormwater Runoff Control

The Town maintains an inventory of construction sites within the Town in a computer database (Project Tracking History) that also tracks NOI submissions, pre-construction meetings, Stormwater Pollution Prevention Plan (SWPPP) review, Town site inspections and Town enforcement actions. The Town provided EPA with the project tracking history for ten (10) active construction sites greater than or equal to one (1) acre of disturbance.

According to Town representatives, the Town holds a pre-construction meeting with all potential construction site developers prior to the start of a project regardless of disturbed acreage. At the pre-construction meeting the Town reviews the Site Development Permit Application which

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includes the NOI, Trained Individuals current certification and SWPPP development and implementation.

According to Town representatives, Town Designated Engineers (TDEs) are paid for by each site developer through an escrow account for the purposes of SWPPP review, infrastructure engineering review and to conduct site inspections on behalf of the Town. The Town provided EPA with twenty-six (26) agreements with site developers dated April 19, 2006 through March 6, 2012 regarding the installation of water and sewer infrastructure as well as obtaining and paying for TDE services. According to Town representatives, the TDE reviews the site's SWPPP and then sends the Town a letter saying the SWPPP should be accepted. The Town then sends a letter and MS4 SWPPP Acceptance Form to the developer.

According to Town representatives, the TDEs submit electronic inspection reports to the Town and the inspected construction site with notifications of any identified deficiencies observed during the inspection. The TDEs then follow up with the Site to ensure that the deficiencies have been corrected. Site inspection reports completed by Ingalls and Associates, LLP, a TDE, reviewed by EPA at the time of the Audit included a completed checklist, weather conditions, photographs, general observations, date, time and site map. According to the Town's submitted 2010 through 2012 Annual Reports and the Town's Project Tracking History all active construction sites within the Town were inspected more than once on an annual basis.

On April 27, 2005, the Town adopted Article XXVI Erosion and Sediment Control portion of Chapter 270 Zoning Ordinance. According to Town representatives and the Town's submitted 2012 Annual Report, this ordinance has been certified to provide equivalent protection to the NYSDEC Sample Local Law for Stormwater Management and Erosion and Sediment Control.

Pollution Prevention and Good Housekeeping for Municipal Operations

According to Town representatives, Town Highway Department vehicles are washed inside the highway garage and the resulting wash water is collected via floor drains to a 2,000 gallon tank that is pumped out every couple of months for disposal. Town Parks Department vehicles are washed at the Parks Department garage and the resulting wash water is collected via floor drains and transported through a grinder pump to the Town's wastewater treatment plant. Town police department vehicles are washed at a car wash.

According to Town representatives, all Town vehicles, including police, fire, parks and highway vehicles fuel at the Highway Garage.

According to Town representatives and the Town's submitted 2009 through 2012 Annual Reports, the Town does not apply pesticides, herbicides or fertilizers to municipally owned properties.

According to Town representatives, Schenectady County organizes a household hazardous waste collection once a year for county residents. The Town Highway Department picks up residential yard waste curbside April through December and the waste is taken to the compost facility.

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According to Town representatives, the Town's website and is used to distribute material regarding yard waste collection. Private haulers are paid directly by Town residents for household waste pick up within the Town. According to Town representatives, the Town clerk approves permits for all private haulers within the Town.

Illicit Discharge, Detection and Elimination

The Town has access to the Schenectady Internet Mapping System (SIMS) program which includes Town water and sewer mains, topography, waterbodies, roads and MS4 outfall locations and photographs. The outfall information provided in the SIMS program includes outfall number, pipe shape, type, flow direction and any turbidity, floatables or odor at the time of observation. Observations used to populate the SIMS program for the Town were collected by Barton and Loguidice, P.C., an engineering firm, for the Town in 2005 to 2006. According to the Town's submitted 2012 Annual Report, 100% of the Town's stormwater infrastructure piping and outfalls have been mapped in the SIMS program.

The Town provided EPA with an outfall map dated September 18, 2006 created by Barton and Loguidice, P.C. showing the locations of at least 200 outfalls and associated receiving waterbodies. Town representatives were unsure the exact number of MS4 outfalls and were unable to provide EPA with an outfall inventory. According to Town representatives, there have been no new outfalls constructed since 2006 within the Town.

On January 1, 2008 the Town adopted Chapter 270-225 to prohibit illicit discharges into the Town's MS4.

According to a Complaint Action Summary with an open date of October 11, 2012, the Town identified a washing machine from a residence connected to the MS4 and its disconnection was confirmed on October 23, 2012.

The Town's MS4 outfalls discharge stormwater to the Poentic Kill, unnamed Mohawk River Tributaries, Normans Kill and unnamed Hudson River Tributaries.

## **B. Field Observations**

During the Audit, EPA observed five (5) Town of Rotterdam municipal facilities, four (4) construction sites in the Town and fifteen (15) Town MS4 outfalls including three (3) unmapped outfalls. EPA's findings and observations from each field location are summarized below in Table 1. Weather conditions on April 1, 2013 and April 2, 2013 were approximately 40 to 50°F with 0.03 inches of rain received each day. Weather conditions on April 3, 2013 and April 4, 2013 were dry and approximately 40 to 50°F. Photographs of the unmapped outfalls and notable observations at the Town facilities and construction sites are included in Attachment B.

**Table 1**

<b>Name</b>	<b>Location / Lat. Long.</b>	<b>Notable Observations</b>	<b>Date of Observation</b>
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<b>Town Municipal Facilities</b>			
Parks Garage	Burdeck Street and W. Campbell Road / 42.804454, -73.990399	<ul style="list-style-type: none"> <li>-Town owned and operated</li> <li>-Floor drains in garage go to oil and water separator then to grinder pump and into the sanitary sewer</li> <li>-No storm drains were observed on-site</li> </ul>	4/3/13
Highway Garage	Duanesburg Road and Frank Street / 42.788478, -73.991134	<ul style="list-style-type: none"> <li>-Town owned and operated</li> <li>- Unprotected catch basin on-site downhill from uncovered salt pile and location where street sweeper interiors are rinsed, catch basins are connected to catch basin on Frank Street (see photograph P4030171.JPG)</li> <li>-Vehicles are washed with detergent in garage and washwater is collected in a 2,000 gallon tank via floor drains</li> <li>-Tank washwater is hauled to WWTP every two months</li> <li>-Sink and bathrooms go to a septic tank that's emptied once a month</li> <li>-Spill kit on-site</li> <li>-Uncovered fueling station uphill from unprotected catch basin</li> </ul>	4/3/13
WWTP and Water/Sewer Garage	26 and 40 W. Campbell Road	<ul style="list-style-type: none"> <li>-Town owned and operated</li> <li>-10 vehicle bays in garage</li> <li>-At least 16 storm drains on-site that discharge to unmapped outfall to Tributary</li> <li>-Vehicles are washed on-site</li> <li>-1 storm drain adjacent to covered dumpster and immediately downhill from WWTP residuals shed (see photograph P4030097.JPG)</li> <li>-Gravel stock pile on-site</li> <li>-At least 1 floor drain in garage is connected to storm drains outside (see photographs P4030110.JPG, P4030111.JPG and P4030122.JPG)</li> <li>-Dark oil stains observed on garage floor</li> <li>-Unknown where washing machine and restrooms in garage discharge</li> </ul>	4/3/13
Compost Facility / Transfer Station	Princetown Road and Burdeck Street / 42.802076, -73.997995	<ul style="list-style-type: none"> <li>-Town operated</li> <li>-Adjacent to Sand and Gravel facility</li> <li>-Manmade collection ponds located on-site and separated from the Poentic Kill by railroad tracks</li> <li>-Uncovered piles of wood chips, logs, and mulch</li> </ul>	4/3/13

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		-Ground yard waste for transfer is picked up by CTI AG Recycle	
Dump Site	Princetown Road and Thompson Street / 42.797975, -73.991418	-Town owned and operated -Receives street sweeping, catch basin cleaning, pipe line and excavation material waste to be left “indefinitely” -Located uphill from railroad tracks on hillside	4/3/13
<b>Construction Sites</b>			
Campbell Road Warehouse (NYR10Q919)	1 W. Campbell Road	-Retention basin on-site receives stormwater runoff -Perimeter silt fence down (see photograph P4030130.JPG) -SWPPP and weekly inspections on-site (3/13/13-8/14/13) -Last TDE inspection on 3/12/13 -Greater than 1 acre disturbed at time of inspection	4/3/13
Tuscany Manor / Becker’s Crossing (NYR10G140)	Duff Bambury Court	-See Attachment C for a copy of EPA’s 5/1/13 Administrative Order and Compliance Evaluation Inspection Report which detail observations and SPDES Construction General Permit violations at this site	4/3/13
Helderberg Meadows (NYR10S414 and NYR10Q730)	County Line Road	-NYR10S414 “Phase I” is complete, disturbed portions are in active NYR10Q730 portion of site -Constructed basin on-site with observed erosion channel on bank lacking vegetation (see photograph P4030266.JPG) -Flow from basin outfall was clear -Last TDE inspection on 3/6/13 - Adjacent to Normans Kill Tributary -SWPPP and weekly inspections on-site -Greater than 1 acre disturbed at time of inspection	4/3/13
Planet Fitness (NYR10V848)	141 W. Campbell Road	-Drainage swales on-site -Perimeter silt fence with holes in it downhill from stockpile and adjacent to wetland (see photograph P4030148.JPG) -Greater than 1 acre disturbed at time of inspection -SWPPP and weekly inspections on-site (9/2013-3/26/13) -Last TDE inspection on 3/26/13 - Adjacent to Mohawk River Tributary	4/3/13

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<b>MS4 Outfalls</b>			
185	Fort Hunter Road	Not outfall, catch basin filled with leaves, drains to other catch basins on Fort Hunter Road	4/2/13
109	Fort Hunter Road	Not outfall, catch basin filled with leaves, drains to other catch basins on Fort Hunter Road	4/2/13
110	Fort Hunter Road	Not outfall, catch basin filled with leaves, drains to other catch basins on Fort Hunter Road	4/2/13
111	Fort Hunter Road	Not outfall, catch basin filled with leaves, drains to other catch basins on Fort Hunter Road	4/2/13
112	Barber Drive	Not outfall, catch basin filled with leaves, drains to other catch basins on Fort Hunter Road	4/2/13
49	Sandy Lane	No flow observed at outfall pipe, discharges to Mohawk River Tributary	4/2/13
Unmapped Outfall #1	Water and Sewer Plant-26 W. Campbell Rd / 42.802824, -73.98851	No flow observed in catch basin immediately uphill from outfall pipe, maintenance shop floor drains connected to storm sewer, discharges to Poentic Kill Tributary (see photographs P4030102.JPG, P4030104.JPG, P4030111.JPG)	4/3/13
38	Nicky Drive	Flow is clear out outfall pipe, discharges to Mohawk River Tributary	4/4/13
Unmapped Outfall #2	Nicky Drive (42.78589,-73.955133)	Corrugated plastic outfall immediately downhill from 38, no flow observed, discharges to Mohawk River Tributary (see photograph P4040286.JPG)	4/4/13
39	Dodge Street	No flow observed at outfall pipe, discharges to Mohawk River Tributary	4/4/13
40	Carlton Street	No flow observed in catch basin immediately uphill from outfall pipe, discharges to Mohawk River Tributary	4/4/13
41	Westside Avenue	No flow observed at outfall pipe, discharges to Mohawk River Tributary	4/4/13
Unmapped Outfall #3	North side of West Avenue, east of Fordham Avenue / 42.78811,-73.956549	Corrugated metal outfall pipe, no flow observed, discharges to Mohawk River Tributary (see photograph P4040300.JPG)	4/4/13
42	Parker Street	No flow observed in catch basin immediately uphill from outfall pipe, discharges to Mohawk River Tributary	4/4/13
43	Woodlawn Street	No flow observed in catch basin immediately uphill from outfall pipe, discharges to Mohawk River Tributary	4/4/13

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### **C. Annual Report Review**

According to Town representatives, the Town's Annual Reports are now completed by Vince Romano, Department of Public Works Coordinator, who has been in this position and has been the designated stormwater officer since June 2012. Prior Annual Reports were completed by Patrick Carroll, Town Building Inspector. According to Town representatives, draft annual reports are available to the public for comment prior to submission on an annual basis during a Town Board meeting.

The Audit team also reviewed the dates that the last five (5) Annual Reports were received by NYSDEC. Two of the five required Annual Reports were received by NYSDEC late. According to the Permit, the annual deadline for submittal of Annual Reports is by June 1 of the reporting year. Below is a summary of when the last five (5) Annual Reports were received by NYSDEC:

**Table 2**

Annual Report Year	Period Covered	Date Report is Due	Date Report Received by NYSDEC	Days Late
2008	March 10, 2007 to March 9, 2008	June 1, 2008	June 5, 2008	4
2009	March 10, 2008 to March 9, 2009	June 1, 2009	August 28, 2009	88
2010	March 10, 2009 to March 9, 2010	June 1, 2010	May 12, 2010	Not Late
2011	March 10, 2010 to March 9, 2011	June 1, 2011	May 31, 2011	Not Late
2012	March 10, 2011 to March 9, 2012	June 1, 2012	May 25, 2012	Not Late

### **D. Potential Violations**

1. Part IV.A of the Permit states that all permittees under GP-0-08-002 must have prepared a Stormwater Management Program ("SWMP") Plan documenting modifications to their SWMP. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. Part IV.A of the Permit also states that the SWMP Plan shall be made readily available to MS4 staff, to the public and to NYSDEC and EPA staff. The Town was unable to provide EPA with a SWMP Plan at the time of the Audit. Additional Permit requirements not met by the Town of Rotterdam due to the lack of SWMP Plan include Parts IV.A, V.C.3.i, and X.B of the Permit.
2. Part IV.G of the Permit requires that all permittees must, through a signed certification statement, contract or agreement, provide adequate assurance that the third parties will comply with permit requirements applicable to the work performed by the third party. Third parties conducting SWMP-related work within the Town include the third parties leasing Town ball fields that are tasked with trash pickup and restroom maintenance and Town Designated Engineers ("TDEs") who are tasked with implementing construction site

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inspections and Stormwater Pollution Prevention Plan (“SWPPP”) review on behalf of the Town have not signed the certification statement listed in the MS4 Permit, and an equivalent statement is not included in contracts with the Town.

3. Part V.A of the Permit requires all permittees to conduct an annual evaluation of its program compliance, the appropriateness of its identified Best Management Practices (“BMPs”), meeting new permit requirements, and progress toward achieving its identified measurable goals, which must include reducing the discharge of pollutants to the maximum extent practical. According to the Town’s submitted Notice of Intent (“NOI”), the initial identified measurable goals included implementation of recommendations to reduce salt/sand use starting in 2006. According to Town representatives, the Town routinely applies salt to Town-maintained roads. The Town buys more salt as the salt pile gets low and does not track or document salt use as part of this process.
4. Part V.B of the Permit states that all permittees must keep records required by this SPDES general permit (records that document SWMP, records included in SWMP Plan, other records that verify reporting required by the permit, NOI, past annual reports, and comments from the public and the NYSDEC, etc.) for at least five (5) years after they are generated. Records, including the NOI and the SWMP Plan, must be available to the public at reasonable times during regular business hours. The Town was unable to provide EPA with SWMP implementation documentation including catch basin cleaning, 2010 and 2011 identified and eliminated illicit connections, street sweeping, post-construction inspection, annual report public meeting documentation, documentation of the 25 public events and 750 printed materials reported in 2012 annual report, good housekeeping training documentation and post-construction maintenance records.
5. Part V.C.1 of the Permit requires the Annual Report to be received by NYSDEC no later than June 1 of each reporting year. Two of the past five Annual Reports submitted by the Town were not received by NYSDEC by June 1 of the reporting year. The 2008 and 2009 Annual Reports were received by NYSDEC on June 5, 2008 and August 28, 2009, respectively.
6. Part V.C.3.b of the Permit states that the Annual Report must include, at a minimum, the appropriateness of the identified BMPs; progress towards achieving the statutory goal of reducing the discharge of pollutants to the maximum extent practical; and the identified measurable goals for each of the MCMs; and Part VII.A.6.c of the Permit states, at a minimum, all covered entities must develop, record, periodically assess and modify as needed measurable goals as it relates to the Pollution Prevention/Good Housekeeping for Municipal Operations Minimum Control Measure. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. Additionally, Part VII.A.6.f.iv of the Permit states that the covered entity shall report on effectiveness of program, BMP and measurable goal assessment. The 2010, 2011 and 2012 Annual Reports submitted by the Town did not list a measurable goal for the Town’s Pollution Prevention and Good Housekeeping for Municipal Operations program.

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7. Part V.C.3.f of the Permit requires all permittees to include any change in identified BMPs or measurable goals and justification for those changes in the Annual Report. The 2010 and 2011 Annual Reports listed the Public Education and Outreach program measurable goal as “education and participation by town employees and private contractors” and the Illicit Discharge Detection and Elimination program measurable goal as “basin marking scheduled to continue through 2013” while the measurable goal spaces were left blank on the 2012 Annual Report with no justification.
8. Part VII.A.1.a of the Permit requires permittees to identify Pollutants of Concern (“POCs”), waterbodies of concern, geographic areas of concern and target audiences. At the time of the Audit, the Town had not identified POCs, waterbodies of concern, geographic areas of concern and target audiences. Additional Permit requirements not met by the Town of Rotterdam due to the lack of identified POCs include Parts III.B.1, VII.A.1.b.ii, VII.A.1.d, VII.A.3.f, VII.A.3.k, VII.A.4.a.xiv, VII.A.5.d and VII.A.6.d of the Permit.
9. Part VII.A.1.b of the Permit states that at a minimum all permittees must develop (for newly authorized MS4s) and implement an ongoing Public Education and Outreach program designed to describe to the general public and target audiences: the impacts of stormwater discharges on waterbodies, POCs and their sources, and steps that contributors of these pollutants can take to reduce pollutants in stormwater runoff. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. At the time of the Audit, the Town had not developed and implemented a public education and outreach program designed to describe to target audiences POCs and their sources.
10. Part VII.A.2.b of the Permit states that at a minimum all permittees must develop (for newly authorized MS4s) and implement a Public Involvement/Participation program that identifies key individuals and groups, public and private, who are interested in or affected by the SWMP. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. At the time of the Audit, the Town had not developed and implemented a public involvement/participation program that identifies key individuals and groups who are interested in or affected by the SWMP.
11. Part VII.A.2.d of the Permit states that prior to submitting the final annual report to the NYSDEC all permittees are required to present the draft annual report in a format that is open to the public. The Town’s 2012 Annual Report, signed by Patrick Carroll of the Town on May 5, 2012, states that the Annual Report was made available to the public, however no date was included and at the time of the Audit, the Town was unable to provide any further details regarding the 2012 Annual Report being made available to the public.
12. Part VII.A.3.a of the Permit states that at a minimum, all permittees must develop (for newly authorized MS4s), implement and enforce a program to detect and eliminate illicit discharges into the MS4. According to Town representatives, the Town Highway Department conducts outfall inspections and Illicit Discharge Detection and Elimination (“IDDE”) investigation in response to complaints and abnormal observations such as discoloration of the pipes. In



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accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. The Highway Department does not conduct routine outfall inspections, does not have standard written procedures for the IDDE program and does not document inspections.

13. Part VII.A.3.b.i of the Permit states that all permittees must develop (for newly authorized MS4s) and maintain a map, at a minimum within the permittees' jurisdiction in the urbanized area and additionally designated area showing the location of all outfalls. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. At the time of the Audit, EPA identified at least three (3) unmapped MS4 outfalls at locations listed in Table 1 of the enclosed Audit Report, including one (1) located at the Town's Water and Sewer Plant.
14. Part VII.A.3.b.ii of the Permit states that all permittees must, by March 9, 2010, develop (for newly authorized MS4s) and maintain a map showing the preliminary boundaries of the permittees' storm sewersheds have been determined using GIS or other tools, even if they extend outside of the urbanized area (to facilitate track down), and additionally designated area within the permittees' jurisdiction. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. According to Town representatives and the 2012 submitted Annual Report, the Town has not developed a map showing the preliminary boundaries of the storm sewershed.
15. Part VII.A.3.c of the Permit states that all permittees must field verify outfall locations. The Town has access to the Schenectady Internet Mapping System ("SIMS") program which includes Town water and sewer mains, topography, waterbodies, roads and MS4 outfall locations and photographs. EPA observed that at least five (5) of the mapped "outfalls" in the SIMS program were actually catch basins that did not discharge stormwater to an adjacent MS4 or to an associated outfall (outfalls 185, 109, 110, 111, and 112).
16. Part VII.A.3.d of the Permit requires all permittees to conduct an outfall reconnaissance inventory, as described in the EPA publication entitled "Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment," addressing every outfall within the urbanized area and additionally designated area within the permittee's jurisdiction at least once every five years, with reasonable progress each year. The NYSDEC SPDES MS4 General Permit GP-0-08-002 with the effective date of May 1, 2008, includes this requirement, therefore, the five year deadline was May 1, 2013. At the time of the Audit, the Town of Rotterdam had not conducted outfall reconnaissance inventory at any outfalls, as described in the EPA publication, including but not limited to, dry weather outfall screening. According to the Annual Reports submitted by the Town, in 2010, 50 outfalls were screened for dry weather discharges, 25 were screened in 2011 and 9 were screened in 2012; however, Town representatives were unable to provide EPA with documentation including what outfalls were screened, what observations and procedures were used and the weather conditions at the time of the screening.

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17. Part VII.A.3.f of the Permit requires all permittees to prohibit, through a law, ordinance or other regulatory mechanism, illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions. This mechanism must be equivalent to the State's model IDDE local law "NYSDEC Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems". The mechanism must be certified by the attorney representing the small MS4 as being equivalent to the State's model illicit discharge local law. According to the Town's 2012 submitted Annual Report and Town representatives, an attorney representing the Town of Rotterdam has not certified the Town's IDDE ordinance, Chapter 270-225 Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer System, as being equivalent to the State's model illicit discharge local law.
18. Part VII.A.3.g of the Permit requires permittees to develop (for newly authorized MS4s) and implement a program to detect and address non-stormwater discharges to the small MS4. The program must include: available equipment; procedures for identifying and locating illicit discharges (trackdown); procedures for eliminating illicit discharges; and procedures for documenting actions. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. The Town has not developed a written IDDE program that includes available equipment; procedures for identifying and locating illicit discharges (trackdown); procedures for eliminating illicit discharges; and procedures for documenting actions.
19. Part VII.A.4.a.i of the Permit requires that all permittees develop (for newly authorized MS4s), implement and enforce a program that provides equivalent protection to the NYSDEC SPDES Construction General Permit ("CGP"). In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. The following deficiencies identified by EPA at the Campbell Road Warehouse, Helderberg Meadows and Planet Fitness construction sites on April 3, 2013 are violations of the NYSDEC SPDES CGP and at the time of the inspection the Town had not implemented follow up enforcement actions regarding the observed deficiencies:
  - a. EPA observed perimeter silt fencing down at the Campbell Road Warehouse construction site (NYR10Q919), not maintained in accordance with the SWPPP;
  - b. EPA observed erosion channels on the banks of the constructed detention basin lacking vegetation at the Helderberg Meadows (NYR10S414), not vegetated in accordance with the SWPPP; and
  - c. EPA observed perimeter silt fencing with holes downhill from a stockpile and adjacent to a wetland at the Planet Fitness construction site (NYR10V848), not maintained in accordance with the SWPPP.
  - d. EPA observed the following at the Tuscany Manor/Becker's Crossing construction site (NYR10G140) as detailed in EPA's May 1, 2013 Administrative Order (CWA-02-2013-3034):
    - i. Part II.C.1 of the Permit requires the owner or operator to ensure that the provisions of the SWPPP are implemented from the commencement of construction activity until all areas of disturbance have achieved final

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stabilization and a Notice of Termination has been submitted to the NYSDEC in accordance with Part V of the Permit. In addition, Part IV.A.1 of the Permit states that the owner or operator must ensure that all erosion and sediment control practices identified in the SWPPP are maintained in effective operating conditions at all times. The following SWPPP elements had not been implemented and/or maintained in effective operating condition at the time of the April 3, 2013 CEI, in violation of Parts II.C.1 and IV.A.1 of the CGP:

1. Part 2.1 of the SWPPP states that disturbed areas outside of the paving limits will be stabilized by planting and seeding. Furthermore, Part 2.2 of the SWPPP states that following initial soil disturbance of any kind, stabilization should be completed within 14 days or as soon as possible. At the time of the CEI, disturbed areas outside of the paving limits that were inactive had not been temporarily or permanently stabilized.
2. Part 2.2 of the SWPPP states that maintenance of silt fencing shall be performed as needed, and sediment material removed when “bulges” develop in the silt fence. In addition, Part 5.1 of the SWPPP states that built up sediment will be removed from silt fence and strawbales if it ever reaches one-third the height of the structural control. EPA identified the following areas at the Site where silt fencing was in need of maintenance:
  - a. Sediment build-up was identified near the top of the silt fencing on the slopes between Duff Bambury Court and Beckers Brook;
  - b. Sediment build-up was identified near the top of the silt fencing at the outfall near the southwest corner of the Site;
  - c. Silt fencing on the downhill slopes near the sediment basin outfall was torn, required removal of sediment, and was in need of general maintenance;
  - d. The silt fencing behind the active lot required removal of sediment and proper repair; and
  - e. Tears were identified in the silt fencing downstream of the outfall pipe in the center of the site, which is designed to convey stormwater runoff from the NYS Thruway to Beckers Brook.
3. Part 2.2 of the SWPPP states the following: “Check dams should be inspected after each runoff event. Correct all damages immediately. If significant erosion has occurred between structures, a liner of stone or other suitable material should be installed in that portion of the channel. Remove sediment accumulated behind the dam as needed to allow channel to drain through the stone check dam and prevent large flows from carrying sediment over the dam.” EPA observed a significant amount of sediment in the drainage swale and check dams receiving

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stormwater runoff from the NYS Thruway. An eroded channel was identified around the rip rap near the one of the NYS Thruway culvert pipes, resulting in substantial sediment loading to the swale and to the check dams. At the time of the CEI, sediment had been carried over the check dams and conveyed to the outfall in the southwest corner of the Site.

4. Part 2.2 of the SWPPP states that all catch basins will be protected by the “fabric barrier drop inlet protection” practice until the drainage areas served by these catch basins are stabilized. At the time of the CEI, none of the catch basins on-site were protected with fabric barriers or any other forms of inlet protection.
5. Part 2.2 of the SWPPP states that any slopes or embankments which have damaged vegetation will be reseeded as necessary. At the time of the CEI, the exterior and interior slopes of the sediment basin had not been reseeded or properly stabilized. In addition, the slopes along Duff Bambury Court where it traverses Beckers Brook also had not been reseeded or properly stabilized. In accordance with Part 2.2 of the SWPPP, following initial soil disturbance of any kind, stabilization should be completed within 14 days or as soon as possible.
6. Part 2.2 of the SWPPP states that all silt or sediment accumulations will be cleaned from stormwater quality management basins. At the time of the CEI, accumulated sediment was identified in the sediment basin and in the rip rap at the sediment basin outfall.
7. In accordance with the Erosion and Sediment Control Plan in the SWPPP, as well as Part 1.5 of the SWPPP, two temporary sediment basins were to have been constructed at the Site, including a 25,200 cubic foot temporary sediment detention basin (105’ long, 40’ wide and 6’ deep) located on the east side of the Site, and a 3,060 cubic foot temporary sediment detention basin (35’ long, 35’ wide and 2.5’ deep) located near the southwest corner of the Site. The Site was to have been temporarily graded towards these temporary sediment detention basins during construction, and was to be regraded towards the permanent wet pond system after the Site was stabilized. During the CEI, EPA did not observe the temporary sediment detention basins identified in the Erosion and Sediment Control Plan at the Site.
8. Part 2.32 of the SWPPP states that the construction entrance shall be maintained in a condition which will prevent tracking, or flowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand. At the time of the CEI, EPA identified two construction entranceways between unstabilized areas of the Site and Duff Bambury Court. Sediment tracking was observed from the

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entranceways onto Duff Bambury Court, and the stone in the entranceways was in need of refreshing.

9. Part 6.24 of the SWPPP states that concrete trucks will not be allowed to wash out or discharge surplus concrete or drum wash water on the Site except in a designated upland area. In addition, the Erosion and Sediment Control Plan in the SWPPP identifies a concrete washout depression area on the east side of the Site. Concrete washout was identified by EPA on the ground at the Site, in an undesignated area that slopes downhill towards Beckers Brook. The concrete washout depression area identified in the Erosion and Sediment Control Plan was not observed by EPA at the time of the CEI.
- ii. Part II.C.3 of the Permit states that the owner or operator of a construction activity shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the NYSDEC or, in acres under the jurisdiction of a regulated, traditional land use control MS4, the MS4. At a minimum, the owner or operator must comply with the following requirements in order to be authorized to disturb greater than five (5) acres of soil at any one time:
  1. The owner or operator shall have a qualified inspector conduct at least two (2) site inspections in accordance with Part IV.C every seven (7) calendar days, for as long as greater than five (5) acres of soil remain disturbed.
  2. In areas where soil disturbance activity has been temporarily or permanently ceased, temporary and/or permanent soil stabilization measure shall be installed and/or implemented within seven (7) days from the date the soil disturbance activity ceased.
  3. In addition, Part 1.62 of the SWPPP states that there shall not be more than five (5) acres of disturbed soil at any one time without prior written approval from the NYSDEC. At the time of the CEI, approximately six (6) acres of disturbance were observed by EPA, and prior written authorization from the NYSDEC or MS4 had not been obtained for the Site, in violation of Parts II.C.1 and II.C.3 of the Permit. In addition, based on inspection records, a qualified inspector was not conducting inspections twice per week, in violation of Part II.C.3.a, and temporary stabilization measures had not been installed within seven (7) days in areas of the Site where soil disturbance activity had temporarily ceased, in violation of Part II.C.3.b of the Permit.
- iii. Part IV.C.5 of the Permit states that within one (1) business day of the completion of the inspection, the qualified inspector shall notify the owner or operator and appropriate contractor or subcontractor of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one (1) business day of this notification and shall complete the corrective actions in a reasonable time

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frame. In addition, Part 5.1 of the SWPPP states that all erosion and sediment control measures will be maintained in good working order and be fully operational. If repair is necessary, it will be initiated within 24 hours of discovery. Based on review of the inspection reports available at the Site, required corrective actions noted on March 26, 2013 had not been implemented at the Site at the time of the April 3, 2013 CEI, including (1) seeding and mulching all inactive disturbed areas, (2) cleaning out the sediment basin and rip rap outlet protection, (3) removing sediment from silt fencing, and (4) providing inlet protection or stabilizing areas adjacent to catch basins, in violation of Parts II.C.1 and IV.C.5 of the Permit. In addition, the Site failed to stabilize the sediment basin and the slopes of the basin, a requirement noted in the inspection reports dating back to March 12, 2013, in violation of Parts II.C.1 and IV.C.5 of the Permit.

20. Part VII.A.4.a.vii of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that describes procedures for SWPPP review. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. The Town of Rotterdam did not have written procedures for SWPPP review at the time of the Audit.
21. Part VII.A.4.a.viii of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site stormwater runoff. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. At the time of the Audit, the Town of Rotterdam did not have written procedures for receipt and follow up on complaints by the public regarding construction site stormwater runoff.
22. Part VII.A.4.a.ix of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that describes procedures for site inspections and enforcement of erosion and sediment control measures, including steps to identify priority sites for inspection and enforcement and Notice of Termination (“NOT”) procedures for signing the MS4 acceptance statement on the NOT. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. At the time of the Audit, the Town of Rotterdam did not have written procedures for construction site inspections, enforcement, identifying priority sites for inspection and NOT procedures that include signing the MS4 acceptance statement on the NOT. According to Town representatives, TDEs inspect sites on a weekly basis on behalf of the Town. However, according to the TDE representative and the Town’s Project Tracking History database, one (1) of the construction sites that EPA visited in the field had not been inspected since March 6, 2013.
23. Part VII.A.4.a.xi of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that ensures that construction site operators have received erosion and sediment control training before they do work within the MS4’s



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jurisdiction and maintain records of that training. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. At the time of the Audit, the Town was unable to provide records that document that construction site operators have received erosion and sediment control training prior to conducting work within the Town.

24. Part VII.A.5.a.vi of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that maintains an inventory of post-construction stormwater management practices within the MS4's jurisdiction. At a minimum, it must include practices discharging to the small MS4 that have been installed since March 10, 2003, all practices owned by the small MS4, and those practices found to cause or contribute to water quality standard violations. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. According to Town representatives, the Town does not maintain an inventory of all post-construction stormwater management practices discharging to the small MS4 that have been installed since March 10, 2003, all practices owned by the small MS4, and those practices found to cause or contribute to water quality standard violations.
25. Part VII.A.5.a.vii of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that ensures adequate long-term operation and maintenance of management practices identified in Part VII.5.a.vi by trained staff, including inspections to ensure that practices are performing properly. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. The Town does not routinely inspect and does not have a long-term operation and maintenance plan for post-construction stormwater management practices within the MS4's jurisdiction. According to Town representatives, the Town inspects post-construction stormwater management practices in response to a complaint or identified problem but does not document these inspections and does not conduct routine inspection or maintenance.
26. Part VII.A.6.a.i of the Permit requires all permittees to develop (for newly authorized MS4s) and implement a pollution prevention/good housekeeping program for municipal operations and facilities that addresses municipal operations and facilities that contribute or potentially contribute POCs to the small MS4 system. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. According to Town representatives, the Town Parks and Highway Departments do not have a BMP Plan or manual that addresses potential pollutant sources from Town facilities. EPA inspectors observed inadequate pollution prevention/good housekeeping at the following locations operated by the Town that contribute or potentially contribute POCs to the small MS4 system:
  - a. At the Highway Garage:
    - i. Uncovered salt pile on-site, exposed to stormwater and located uphill from an unprotected catch basin;
    - ii. Street sweeper interior rinsing conducted outside on-site uphill from an unprotected catch basin; and

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- iii. Uncovered fueling station on-site, exposed to stormwater and located uphill from an unprotected catch basin.
  - b. At the Water/Sewer Garage:
    - i. Floor drains in vehicle maintenance garage where dark oil stains were observed appears to discharge to the storm sewer system and MS4 outfall located on-site;
    - ii. Vehicle washing is conducted on-site adjacent to unprotected catch basins; and
    - iii. Dumpster and Wastewater Treatment Plant (“WWTP”) residuals stored adjacent to an unprotected catch basin.
27. Part VII.A.6.a.ii of the Permit requires that all permittees must at a minimum frequency of once every three years, perform a self-assessment of all municipal operations addressed by the SWMP to: determine the sources of pollutants potentially generated by the permittee’s operations and facilities and identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already. At the time of the Audit, the Town provided EPA with a “Self Audit” form completed by James Longo of the Highway Department on February 19, 2013, at the Highway Garage. The “Self Audit” form completed by the Town states “Not Applicable” to the question of “Are salt piles stored in a salt storage building or under a roof.” At the time of the Audit, EPA observed salt piles at the Highway Garage uncovered, exposed to stormwater and adjacent to a Town catch basin. Additionally, the Town was unable to provide EPA with “Self Audit” forms completed for any other Town Facility at the time of the Audit.
28. Part VII.A.6.a.vi of the Permit requires that all permittees develop (for newly authorized MS4s) and implement a pollution prevention / good housekeeping program for municipal operations and facilities that includes an employee pollution prevention and good housekeeping training program and ensures that staff receive and utilize training. In accordance with the 2003 permit, the Town was required to develop and have fully implemented its SWMP by January 8, 2008. Annual Reports submitted by the Town in 2010, 2011 and 2012 list employee pollution prevention and good housekeeping training held on 5/15/2010, 5/1/2011 and 5/20/2012. However, at the time of the Audit, Town employees were unable to provide EPA with details and documentation regarding training content and attendance for training held within the past five (5) years. According to Town representatives, there is no formal routine training for Parks or Highway Department employees.

**E. Areas of Concern and Recommendations**

1. The Town has printed pamphlets available to the public located in kiosks at the Town Hall, however, the Town does not track the number of pamphlets distributed at this location. The Town should track and document the number of pamphlets distributed by the Town.
2. According to Town representatives, the finalized Annual Reports are posted on the Town website annually in June. The Town should consider posting draft Annual Reports on the

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Town's website as a method to make the reports easily accessible to the general public for comments prior to finalization and submission to the NYSDEC.

3. EPA identified permitted construction sites within the Town of Rotterdam listed in the NYSDEC database that were not listed in the Town's construction site inventory (Kaufman Residence, Mid America Baptist Seminary, Rotterdam Pharmacy and Warehouse Distribution Facility). The Town should routinely check the NYSDEC construction permit database on the public website to ensure accuracy and consistency between the Town and the NYSDEC.
4. On April 27, 2005, the Town adopted Article XXVI Erosion and Sediment Control portion of Chapter 270 Zoning Ordinance. According to Town representatives and the Town's submitted 2012 Annual Report, this ordinance has been certified to provide equivalent protection to the NYSDEC Sample Local Law for Stormwater Management and Erosion and Sediment Control. Although no documentation of an attorney certification of this was provided at the time of the Audit.
5. According to Town representatives, the Town provided EPA with a list of the Town catch basins that have had a "Drains to Waterbodies" decal installed on it between 2007 and 2009. According to Town representatives, approximately half of the Town has received this decal but the program stopped when funding ran out. The Town's submitted 2012 Annual Report states that 110 storm drain markings had been completed during the Reporting Year, however, Town representatives stated that no storm drains had been marked during that time frame.
6. The Public facility inventory provided at the time of the Audit only included Town owned parcels of land. The inventory did not include the compost facility and all parks. Town facilities have not been mapped. A complete inventory of Town facilities should be included in the Town's SWMP Plan.
7. Town representatives were unable to specify where the washing machine and restrooms in the Water/Sewer Garage discharged. The Town should determine if wastewater is discharged and implement corrective action if necessary.
8. Catch basin cleaning is driven by complaints and is not documented. According to the 2010 and 2011 Annual Reports 2550 catch basins were inspected and cleaned as needed each year but in the 2012 Annual Report only 170 catch basins were inspected and cleaned as needed. Town representatives could not identify exactly why the reduction in inspection and cleaning in 2012. According to Town representatives, the Town tries to clean one (1) Town section of catch basins per year out of the thirteen (13) sections total although this is not a written procedure and documentation was not provided by the Town. The Town should include catch basin cleaning procedures as part of the Town's SWMP Plan.
9. The Town was unable to provide EPA with a map or inventory of all town catch basins. The Town should include a catch basin inventory as part of the Town's SWMP Plan.

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10. The Town was unable to provide a total acreage of parking lots maintained by the Town. The Town should include total parking lot acreage maintained by the Town as part of the Town's SWMP Plan.
11. According to Town representatives, the Town maintains 115 miles of streets and all are swept at least two (2) times per year using wet sweepers, however, this is not a written procedure and should be included in the Town's SWMP Plan.
12. According to Town representatives, the Parks Department routinely checks Town parks on a daily basis and removes garbage on an as needed basis, although this is not a written procedure and should be included in the Town's SWMP Plan.
13. According to Town representatives, in response to spills the Town utilizes Speedy-Dri for small spills and Schenectady HazMat for larger spills, although this is not a written procedure and should be included in the Town's SWMP Plan.
14. According to Town representatives, the Town does not have a pet waste disposal ordinance or an ordinance prohibiting goose feeding. According to Town representatives, the Town has plans to install pet waste receptacles at the Town's nine (9) parks (Pansy, Memorial, Kiwanis, Juracka, Fiero Avenue, Eunice Esposito, Carman, Boxwood, and Woestina). The Town should implement its pet waste receptacle plan as part of its SWMP and consider a pet waste disposal and prohibition on goose feeding ordinance as part of the Town's SWMP.
15. According to Town representatives, the Town's MS4 has interconnections with the City of Schenectady MS4, however, these interconnections have not been mapped and the Town does not have an agreement with the City of Schenectady regarding the MS4. The Town should map MS4 interconnections and have an agreement with the City of Schenectady regarding the MS4.
16. Road kill within the Town is handled by Timothy Longo, an Animal control Town employee, but Town representatives at the time of the Audit could not specify where the animals are disposed of. The Town should implement a procedure to properly dispose of deceased animals and be aware of it for the purposes of pollution prevention.
17. The Town should utilize the Schenectady Internet Mapping System (SIMS) program to aid in implementation of the IDDE portion of the SWMP including the development of an outfall inventory.
18. The Town has utilized in the past the Complaint Action Summary database for following up on complaints, identifying and eliminating illicit connections to the MS4. The Town should continue to utilize this practice in response to complaints received and follow up action taken as part of the SWMP.

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**Attachment A**

**The Town of Rotterdam provided EPA Region 2 with copies of the following materials:**

1. 2012 Annual Report submitted to the NYSDEC;
2. Notice of Intent dated 4/4/2003;
3. Acknowledgement of Notice of Intent dated 4/10/2003;
4. Highway Garage Stormwater Pollution Prevention Facility Self Audit dated 2/19/2013;
5. “After the Storm” pamphlet dated 1/2003;
6. “10 Thing You Can Do to Prevent Stormwater Runoff Pollution” bookmark;
7. Site Development Permit Application dated Revised 8/10/2012;
8. “Water and Sewer Connections Permit Application” dated Revised 8/10/2012;
9. “Curbside Recycling In Schenectady County” handout;
10. “The Daily Ins and Outs of a Healthy Septic System” handout;
11. 2013 Special Water District Summary;
12. List of Current Construction Sites dated 3/21/2013;
13. 141 West Campbell Road Inspection Reports dated 3/19/2013 and 3/26/2013;
14. Project Tracking History for 10 projects;
15. Notice of Termination for two Town construction sites dated 10/9/2012 and 10/10/2012;
16. Town Outfall Location Map dated 9/18/2006;
17. Town boundary map dated 8/25/2011;
18. Septic system permit report dated 1/1/2008 to 4/1/2013;
19. Changes to Rotterdam Zoning Ordinance Chapter 270;
20. Household hazardous waste collection electronic form;
21. Town owned property table;
22. Marked catch basin table from 2007-2009;
23. Parks check list for nine (9) parks;
24. Personnel Services Summary dated 2/10/2010 – 9/29/2010;
25. Training Certificates dated 10/31/2012, 3/19/2009, 3/20/2009, 1/21/2009, 1/22/2009, 11/10/2008;
26. DPW organizational diagram;
27. List of MS4s adjacent to or within the Town of Rotterdam;
28. 26 agreements with developers regarding water and sewer infrastructure construction;
29. Resolution No. 21.08 Article XXIX, Illicit Discharges Code dated 1/1/2008; and
30. Building Inspector/Code Enforcement Officer Memos dated 2/14/2005 - 12/31/2010;
31. October 27, 2007 Stormwater Site Inspector Training sign in sheet;
32. Complaint Action Summary open date 10/11/12;
33. Edgewood Condominium Stop Work Order dated 2009;
34. List of catch basin repairs for 2012; and
35. Highway Equipment inventory.

**Attachment B**

**Photographs of the unmapped outfalls and notable observations at the Town facilities and construction sites:**



P4030097.JPG- Storm drain at the Town's WWTP located adjacent to covered dumpster and immediately downhill from WWTP residuals shed



P4030102.JPG-Catch basin to unmapped outfall #1



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P4030104.JPG- Interior of catch basin to unmapped outfall #1



P4030110.JPG- Interior of Water/Sewer Garage floor drain with pipe towards stormwater catch basin

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P4030111.JPG-Water/Sewer Garage floor drain with pipe towards stormwater catch basin



P4030122.JPG- Town's Water/Sewer Garage stormwater catch basin with pipe in line with pipe in garage floor drain

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P4030130.JPG- Perimeter silt fence down at Campbell Road Warehouse construction site



P4030148.JPG- Perimeter silt fence with holes in it downhill from stockpile and adjacent to wetland at the Planet Fitness construction site



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P4030171.JPG- Unprotected catch basin on-site downhill from uncovered salt pile and location where street sweeper interiors are rinsed at the Town Highway Garage



P4030266.JPG- Constructed basin on-site at the Helderberg Meadows construction site with observed erosion channel on bank lacking vegetation

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P4040286.JPG-Unmapped outfall #2 at end of Nicky Drive, discharges to Mohawk River Tributary



P4040300.JPG-Unmapped outfall #3 on north side of West Avenue and east of Fordham Avenue, discharges to Mohawk River Tributary

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**Attachment C**